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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------------|------------------------|
| 10/081,682  | 02/25/2002  | Amnon Naamad         | 07072-946001                       | 2103                   |
| 26161   | 7590        | 11/28/2007           |                                    |                        |
| FISH & RICHARDSON PC<br>P.O. BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                      | EXAMINER<br>BATAILLE, PIERRE MICHE |                        |
|   |             |                      | ART UNIT<br>2186                   | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/28/2007            | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/081,682

Applicant(s)

NAAMAD ET AL.

Examiner

Pierre-Michel Bataille

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,9,11-14,17,20,21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7,10,15,16,18,19,22 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office Action is taken in conjunction to examination of the instant application presenting claims 1-29 for prosecution. Applicant's amendment and/or arguments have been considered with the results that follow.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5, 8-9, 11-14, 17, 20-21, and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US 5,948,059 (Woo).

With respect to claims 1, 13, and 25, Woo teaches the invention as claimed, in a data-storage system having a data storage unit that includes at least two constituent data storage elements, each of said constituent data

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storage elements being in one of a first state and a second state other than said first state **(two or more messaging systems maintaining a data structure with state information maintained to uniquely identifying each message)**, a method comprising: providing a data structure having an entry corresponding to said data storage unit, said entry including status information indicating whether at least one constituent data storage element of said data storage unit is in said first state **(maintaining a data structure with tables and pointer, each entry identifying message format)**; and updating said entry following a change in state of at least one of said constituent data storage elements **[(sequentially examining corresponding messages in each messaging system and updating the message states in each system so that all message states correspond following a message change state such as deleted or marked read; a change of state of a linked message found in other message system follows similar state change applied)** abstract, Fig. 34, 6A, Col. 8, Lines 3-14; Col. 9, Lines 4-37].

With respect to claims 2, and 14, Woo teaches the invention as claimed, updating said entry comprising: identifying an entry in said data structure corresponding to a data storage unit that includes a constituent data storage element in said first state; modifying status information in said entry to indicate that said data storage unit includes at least one constituent data storage element in said first state **[(synchronizer comprises a plurality of threads which sequentially examine corresponding messages in each messaging system and update the message states in each system so that all message states**

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**correspond; a change of state of a linked message found in other message system follows similar state change applied) abstract, Fig. 34, 6A, Col. 8, Lines 3-14; Col. 9, Lines 4-37].**

With respect to claims 5, and 17, Woo teaches the invention as claimed, updating said entry comprising: detecting that a constituent data storage element is in said second state; determining whether said data storage unit contains any constituent data storage element in said first state; identifying an entry in said data structure corresponding to a data storage unit that includes said constituent data storage element; modifying status information in said entry to indicate that no constituent data storage elements of said data storage unit are in said first state **[(synchronizer comprises a plurality of threads which sequentially examine corresponding messages in each messaging system and update the message states in each system so that all message states correspond; a change of state of a linked message found in other message system follows similar state change applied) abstract, Fig. 34, 6A, Col. 8, Lines 3-14; Col. 9, Lines 4-37].**

With respect to claims 8-9, 11-12, 20-21, 23-24, and 26-26, Woo teaches the invention as claimed, scanning said data structure to locate constituent data storage elements in said first state; scanning said data structure comprises detecting an entry in said data structure that indicates the presence, in said data storage unit associated with said data structure, of at least one constituent data storage element in said first state; and scanning constituent data storage

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elements included in said data storage unit to identify said constituent data storage element in said first state [(synchronizer maintaining a state database via an update thread so that when a message changes state (deleted or marked read) in one message system, the linked message in the other message system can be found and a similar state change applied) abstract, Fig. 34, 6A, Col. 8, Lines 3-14; Col. 9, Lines 4-37].

***Allowable Subject Matter***

5. Claims 3-4, 6-7, 10, 15-16, 18-19, 22, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon, Tue-Fri (8:00A to 5:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille  
Primary Examiner  
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